

REMARKS

As a preliminary matter, applicant notes that the examiner, in the office action summary, has not acknowledged acceptance or objection of the drawings submitted at application filing, nor was a draftsperson's drawing review issued. Applicant requests acknowledgement of the drawings with the next action.

Claims 1-45 are pending in the application. In the office action dated February 26, 2003, the examiner rejects claims 1-45 under 35 U.S.C. § 102(e) as being anticipated by Caswell, et al (US Pat. No. 6,336,138).

Claim Rejections – 35 USC § 102(e)

In rejecting claims 1-45 as being anticipated by Caswell, et al (US Pat. No. 6,336,138), the examiner provides citations to Caswell for claims 1-15, then rejects claims 16-30 as being "computer medium" versions of claims 1-15, and rejects claims 31-45, directed to a computer system, as containing features addressed in claims 1-15 in view of Figures 1, and 3-5.

Applicant respectfully traverses the examiner's rejection of claims 1-45 under 35 USC §102(e). A claim is anticipated under 35 USC § 102(e) only if each and every element set forth in the claim is disclosed (i.e., identically described) in a single prior art reference. Caswell does not disclose each and every element of claims 1-45 of the present invention. Claims 1-45 contain numerous limitations not described by Caswell. For instance, Caswell does not disclose, among other things, retrieving a template specifying one or more parameters of the software, does not disclose placeholder data included in the template, does not disclose replacing the placeholder data to form installation data, does not disclose sending

installation data to a selected server, nor installing the software on the selected server in accordance with the installation data.

Caswell discloses a method and system of modeling a core service within a network environment that is not specific to the network environment. Caswell presents a “Read Mail Service” as an example of such a core service. Caswell first forms a service model template that is not specific to the network environment, but identifies anticipated network elements and network services that cooperate to enable the selected service. The service model template includes specifications related to linking the anticipated network elements and network services. When the service model template is combined with discovered instance information specific to actual network elements and actual network services, a service model instance is generated.

Claim 1 generally

The examiner cites col. 10, lines 19-54 as indicating “that newly discovered services (servers) are mapped (installed or made available) to existing nodes via a service model template.” First, applicant fails to find such a statement or disclosure at col. 10, lines 19-54. Second, Caswell does not describe servers as a “newly discovered service,” nor does Caswell describe mapping as an “installation.” The examiner’s interpretation of Caswell’s “newly discovered service” as the claimed “server”, and of Caswell’s “mapping” as the claimed “installation,” is an inappropriate extension of Caswell’s actual teachings. Caswell includes read mail service, authentication services, and NFS services as examples of services of interest. Servers are involved in providing the service (col. 9, lines 2-6), but are not “services” themselves. Further, applicant contends that at all locations where mapping is noted in Caswell, mapping refers to “making logical connections between two entities,” or generally refers to “making available.” Accordingly, Caswell’s “mapping” is not the

installation of software. The examiner also cites col. 7, lines 60-65, as teaching the “server” and “installation.” However, col. 7, lines 60-65 states “The service model instance 40 maps services and service elements that exist in a particular ISP system with nodes in the service model template.” Mapping services and service elements of a particular ISP system with nodes in a service model template is not the same as installing software on a selected one of a number of servers.

Caswell does not teach retrieving a template specifying aspects of software and including placeholder data

Regarding claim 1, the examiner cites the abstract and col. 5, line 63, through col. 6, line 9, as disclosing the claimed “retrieving a template specifying one or more parameters specifying an aspect of the software and which includes placeholder data in place of server-specific data.” Neither the abstract, col. 5, line 63, through col. 6, line 9, nor any other portions of Caswell these features. In fact, while this element requires that the template “include placeholder data in place of server-specific data,” col. 5, line 63, through col. 6, line 9 of Caswell states “the information contained in the service template for a node (where examples of a node are hosts and servers) may include the element type, the element dependencies, the measurement definitions (e.g., agent to run, the format of the run string, the number and type of parameters, and the format of the output), default state computation rules, default thresholds, default baselines, and default alarm generation and correlation rules. In other words, while Caswell contains an extensive list of the type of data that a service template may contain, none of these items on the list is the claimed “placeholder data.”

Caswell does not teach replacing placeholder data with server specific data to form installation data

The examiner cites the col. 4, lines 47-58, as disclosing “replacing the placeholder data of the template with the server-specific data of the selected server to form installation

data.” The cited portion of Caswell does not teach this element, etc. As noted above, Caswell does not teach “placeholder data,” and thus cannot teach the element of replacing the placeholder data.

Caswell does not teach sending installation data to a selected server and installing the software in accordance with the installation data

The examiner cites the col. 7, lines 60-65, as disclosing the claimed “sending the installation data to the selected server in such a manner that causes the selected server to install the software in accordance with the installation data.” This cited portion of Caswell does not teach this element. Caswell fails to teach installation data, the sending of installation data to a selected server, the installation of software, and the installation of software in accordance with the installation data. The examiner states that at col. 7, lines 60-65, “mapping is considered to provide for the installation function; since, it makes new features available.” Making “new features available” is not sending the installation data to the selected server in such a manner that causes the selected server to install the software in accordance with the installation data. Nor is mapping the installing of software.

Claims dependent on claim 1 (claims 2-15)

Claims 2-15 depend from claim 1, and are therefore not anticipated for the same reasons as discussed above with respect to claim 1. *In re Fine*, 837 F.3d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Additionally, regarding claim 3, the examiner’s citations to Caswell at col. 9, lines 2-12, and at col. 18, lines 19-27, does not disclose installation scripts or computer instructions to be executed by the selected server to effect installation of the software. Again, the cited portions of Caswell fail to teach software installation.

Regarding claim 4, the examiner cites col. 9, lines 32-34, which states “the configuration interface 60 serves as a way for an ISP operator to quickly customize the service model instance 40 that is generated by the process.” But this citation does not teach installing “software by, at least in part, executing one or more installation scripts.” In Caswell, the discovery engine 58 supports a configuration interface 60 that allows ISP operations personnel to control and customize the discovery process. Through the configuration interface 60, an ISP operator can restrict the discovery to specified IP address ranges on host name patterns. Accordingly, the configuration interface disclosure of Caswell does not disclose claim 4.

Regarding claim 5, the examiner cites col. 7, lines 14-21, which, in part, discloses an example inter-service dependency, where a Read Mail service depends on an authentication service to verify the identity of the subscriber. The cited portion of Caswell does not teach claim 5, which requires that the selected server verify that the one or more installation scripts are owned by a previously authorized owner prior to installing the software on the selected server. The service of Caswell does not relate to the server of claim 5, and Caswell does not teach owner authentication of installation scripts prior to software installation.

Regarding claim 6, the examiner cites col. 9, lines 2-12, and col. 12, lines 34-51, which discloses the template including a specification of the elements involved in providing the service, the dependencies of the service on other services, and introduces a discovery process which includes designation of a discovery template, which specifies the types of services and service elements to be discovered, and which specifies discovery modules to be invoked in the discovery of the specified services and service elements. This disclosure does not teach that “the template includes one or more computer program modules which define at least part of the software to be installed on the selected server,” as recited by claim 6.

Regarding claim 12, the examiner provides no citation, or basis, in the office action for a rejection of this claim. Accordingly, the examiner has not met his burden to demonstrate that the claim is anticipated by prior art.

Regarding claim 13, the examiner cites col. 24, lines 5-18, col. 23, lines 32-37, and col. 27, lines 43-52, which describes, generally, the discovery process determining a type of server, determining all of the hosts of an ISP system, and the generation of service dependency outputs for second instance generation. These general descriptions do not disclose the configuration of a selected server to detect installation data stored at a predetermined storage location thereon, and to process the installation data upon such determination, as recited by claim 13.

Claims 16-45

Claims 16-45 recite features similar to those recited in claims 1-15, and the examiner has not proposed separate grounds for rejecting claims 16-45. Thus, claims 16-45 are patentable substantially for the same reasons as described above.

Since Caswell does not disclose each and every element set forth in claims 1-45, as detailed above, applicant respectfully requests that the examiner withdraw the rejections of claims 1-45 under 35 U.S.C. § 102(e).

CONCLUSION

In light of the above remarks, applicant submits that pending claims 1-45 are allowable and requests that examiner issue an early notice of allowance. The examiner is invited to call the undersigned attorney in the event that a telephone interview will advance prosecution of this application.

Date: June 25, 2003



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